

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

JEREMY DAVID ADAMS,

Defendant.

CASE NO. 3:21-CR-504

JUDGE JEFFREY J. HELMICK

**MOTION IN LIMINE TO EXCLUDE
EVIDENCE OF THE CALIFORNIA
ALLEGATIONS**

Jeremy Adams, by and through counsel, moves the Court to exclude evidence pertaining to allegations of conduct occurring in California in 2019 and 2020. In 2019 and 2020, Mr. Adams was investigated and arrested by California law enforcement for allegedly attempting to meet with a minor to engage in sexual activity. Mr. Adams has not been convicted of this conduct. He asks the Court to exclude evidence of these allegations and the investigation pursuant to Federal Rules of Evidence 404 and 403.

Rule 404(b)(1) provides that “[e]vidence of any other crime, wrong, or act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.” Such evidence may be admissible for a different purpose. Fed. R. Evid. 404(b)(2). To determine admissibility, the Court undertakes a three-step analysis that begins with determining “whether there is sufficient evidence that the crime, wrong, or other act took place.” *United States v. Barnes*, 822 F.3d 914, 920 (6th Cir. 2016). Next, the Court determines whether the other act is admissible for a permitted purpose under Rule 404. *Id.* Finally, the Court must determine “whether any risk of unfair prejudice substantially outweighs the evidence’s probative value.” *Id.*

Federal Rule of Evidence 403 provides that the Court “may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.” The risk of unfair prejudice is the “undue tendency to suggest a decision based on improper considerations.” *United States v. Hazelwood*, 979 F.3d 398, 412 (6th Cir. 2020) (internal quotation marks omitted). “The jury therefore reaches a verdict based on emotions instead of evidence.” *Id.*

Beginning the inquiry under Rule 404(b), as stated above, Mr. Adams was investigated and arrested on suspicion of violating the law, but he was not convicted of a crime. So the alleged conduct has not been proven. Moving to the second step, the alleged California conduct occurred years after the allegations forming the basis of the instant charge against Mr. Adams and are not related to the instant offense. Consequently, there is no permissible purpose for which this evidence could be submitted.

Finally, even if this Court determines there is a permissible basis for admitting evidence of the California allegations and investigation, exclusion is still appropriate as the probative value of such evidence is substantially outweighed by the risk of unfair prejudice. Introducing allegations of separate sexual misconduct with minors while Mr. Adams is on trial for sexual exploitation of a minor presents an especially obvious risk of unfair prejudice. *See Old Chief v. United States*, 519 U.S. 172, 185 (1997) (“Where a prior conviction was for a gun crime or one similar to other charges in a pending case the risk of unfair prejudice would be especially obvious”). The nature of the California allegations therefore poses a great risk of “lur[ing] the factfinder into declaring guilt on a ground different from proof specific to the offense charged.” *See id.* at 180.

As such, Mr. Adams asks this Court to exclude evidence of the California allegations and investigation.

Respectfully submitted,
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